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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/046,940
Filing Date: January 14, 2002
Appellant(s): BARKER ET AL.

Joseph T. Van Leewen
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7/28/05 appealing from the Office action mailed 1/28/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

Appellant's brief presents arguments relating to the declaration filed under 37 CFR 1.131 swearing behind the Patrizio reference. This issue relates to petitionable subject matter under 37 CFR 1.181 and not to appealable subject matter. See MPEP § 1002 and § 1201. Thus the Ground of Rejection to be reviewed on appeal should be changed as follow:

Claim rejections under 35 USC 102(e) and 103 rejecting claims 1-25 as being unpatentable over US patent Publication 2003/0095142 to Patrizio et al.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2003/0095142 Patrizio et al 5/2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Copy of the rejection as set forth in the final Office action is provided below. Please note the typographical error in the 102(e) statement of rejection in the final Office action, wherein the phrase "Claims 1-13, 25" should be corrected to read as "Claims 1-23, and 25" as set forth in the body of the rejection. This correction does not introduce a new ground of rejection since the appellant had been aware that the statement refers to claims 1-23 and 25 (see page 18 of the appellant's response filed on 11/1/04).

Claims 1-23, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by US patent application publication 2003/0095142 (Patrizio et al).

- As for claims 1, 8, 15. In a computer system which inherently includes a processor, memory, nonvolatile storage, Patrizio et al teach a computer implemented method and corresponding system for generating display information from management definition data (MOF, 0002, Summary of the Invention), said method comprising:

receiving a display an element request from a user and locating a display name corresponding to the element request in a management definition object; (0035, 0037. MOF files define CIM classes. A CIM class comprises CIM properties. To retrieve a particular instance of a CIM class in a CIM model, the requestor must supply values for all the pertinent keys that uniquely identify that instant);

retrieving one or more qualifier values (A CIM qualifier is information to describe a CIM property) and one or more data definitions corresponding to the display name, wherein the retrieving includes reading the management definition object (0038, 0039);

creating one or more data elements (i.e., the property sheet) using the data definitions and writing the qualifier values and data elements to a display panel (0038, 0039).

- As for claims 2, 9, 16: The management definition object includes a common information model managed object format file (0035).

- As for claims 3, 10, 17: The data element is associated with an external data source (0004).

- As for claims 4, 11, 18: For creating new menu tabs, descriptions of the new tab are added to the MOF file (0038, 0043). The identifying of menu tab name and writing tab label are inherently included in the teaching of adding new tabs.

- As for claims 5, 12, 19: At lest one of the data elements is selected from the group consisting of a text box control, a box control, a combo box control, a check box control, and a radio button control (figures 2-8).

- As for claims 6, 13, 20: New property sheet can be added. The MOF comprises information describing the property sheet, which includes text labels correspond to the property sheet (0039-0040; figs 2-8).

- As for claims 7, 14, 21: The data definitions include one or more data specifications corresponding to at least one of the data elements, and wherein at least one of the data specifications are selected from the group consisting of a minimum value, a maximum value, data type, and a valid values list (0035-0039).

- As for claims 22, 23, 25: Claims 22, 23 recite various combination of the limitations recited in claims 2-7, thus are rejected for the same reason as set forth in the rejection of claims 2-7 combined.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patrizio et al.

- As for claim 24: Claim 24 recites a combination of various limitations recited in claims 2-7, thus is rejected for the same reason as set forth in the rejection of claims 2-7 combined. Patrizio et al fail to clearly teach that the display panel is stored in the nonvolatile memory. However, it would have been obvious to one of skill in the art, at the time the invention was made, to store the display panel in the nonvolatile memory to prevent losing the data.

(10) Response to Argument

The 1.131 declaration: The applicants filed a 1.131 declaration swearing behind the Patrizio et al. reference. The declaration was considered but determined ineffective to overcome the reference. Since 1.131 declaration is petitionable subject matter, the applicant's argument regarding the declaration will not be further discussed in this examiner answer.

The Patrizio et al reference: Patrizio et al (hereinafter Patrizio) teach a computer implemented method and corresponding system for displaying a layout of graphical user interface property in a panel. The layout of the graphical display of object information is separated from the underlying data. The data is stored in managed object format files or MOF (Patrizio's 0033. The appellant's specification, page 5, line 9-10, calls this MOF file as "management data"). Layouts and organizational information are gathered into a MOF file, which defines how to render and represent all the different attributes and features in which a

customer might have interest (0036, 0037). Patrizio's discloses in figure 1 a tree of clusters with a user selected node "arabica" (0025). Responsive to selection of the 'arabica", the system locates the display name corresponding to the requested element in the MOF file, which display name is "arabica". Qualifier values (General, Packages...) and one or data definitions corresponding to the display name are retrieved from the MOF file (0037, 0039, 0040, 0046). The data definitions are disclosed in figure 9 as including title string, title property name string, version, default height and width (0039-42). Data elements (tab 203, 205...) are created and displayed as seen in figure 2. One or more data elements (new tabs) can be created from the MOF file without changing the schema (0038, 0039).

The appellants' argument: As for claim 1, the appellants argue that Patrizio does not teach the limitation 'receiving an element request from a user". In response to the argument, the limitation is disclosed by Patrizio in fig. 1, wherein element "Arabica" is user selected and highlighted (0025). In response to the argument that Patrizio does not teach "locating a display name corresponding to the element request in a management definition object", the limitation is disclosed in figure 2, wherein responsive to selection of the 'arabica", the system locates the display name corresponding to the requested element in the MOF file, which display name is "arabica". In response to the argument that Patrizio does not teach the limitation retrieving one or more qualifier values and one or more data definitions corresponding to the display name from the management definition object, the limitation is disclosed in 0037, 0039, 0040 and 0046, wherein qualifier values and data definitions are retrieved from reading the MOF file. In response to the argument that Patrizio does not teach creating one or more data elements using the data definition, data elements (tab 203, 205...) are created on the display screen from the data

definitions and displayed as seen in figure 2. Furthermore, new data elements (new tabs) can be created from the MOF file without changing the schema (0038, 0039). The created new tabs (data element) and the tab name (qualifier value) are displayed in a panel (figs 2-8).

As for claim 22: Claim 22 recites a combination of limitations of claims 1 and 4, and further includes the limitation "wherein the management definition object includes a common information model managed object format file" (claim 22, lines 5-6). This common information model (CIM) is inherently included in the MOF file as admitted by the appellants on page 3, lines 14-16 of the spec, and is clearly disclosed by Patrizio in 0003, 0012 and 0035. In response to the argument that claim 22 should be allowable in view of the arguments set forth in claim 1, this argument can not stand because claim 1 is clearly anticipated by Patrizio as set forth above. Claim 22 further recites "identifying one or more menu tab names from the retrieved qualifier names". The appellants indicate that the menu tab names are identified based upon the retrieved qualifier names. Patrizio discloses the limitation in par 0040 and in figure 2 wherein menu tab names General, Packages, Nodes, and Network are retrieved and created on the display. The MOF file define the sequence of tabs in the order top to bottom the tabs appear. The four tabs are defined in the MOF file as four instances of the tab containment class (0040). The tabs are created on-the-fly from data read from the MOF file.

As for claim 23: Claim 23 recites a combination of limitations of claims 1 and 6, and further includes the limitation "wherein the management definition object includes a common information model managed object format file" (claim 23, lines 5-6). This common information model (CIM) is inherently included in the MOF file as admitted by the appellants on page 3, lines 14-16 of the spec, and is clearly disclosed by Patrizio in 0003, 0012 and 0035. The

appellants argue that the claimed limitation "display panels" is not the same as Patrizio's panels for displaying the property sheets as seen in figures 2-8. Figures 2-8 discloses property panels created from data read from the MOF file, which are the rectangular areas associated with each tab.

The appellants present no further argument with respect to the rejection of any other claims.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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